

1843-133 SOUTHAMPTON COUNTY  
CHANCERY PAPERS

TAYLOR

VS. TAYLOR'S EXECUTOR et al

10/1843

other surnames: Booth,  
Barham, Bryant, Joyner,  
Williams

~~21~~ 22

Taylor by H.

v. } Papers.

Taylor's Exor &c.

1843 Oct Deposited

Taylor by J<sup>o</sup>

v. } Statement

Taylor's Exor. J<sup>o</sup>

1843-

Jan'y. 13<sup>th</sup> Subpoena issued

Feby. R. Sp<sup>a</sup>. ret<sup>d</sup>. Executed. Bill filed

Apr<sup>l</sup>. R. Set for hearing.

" I. Continued.

Oct " Dismissed

Taylor

2

Bill

2

Ex 60

Taylor & Co

1843 February Rules.

1950 words

To the Hon. Judge of the Circ. Sup. Court of Circuit  
for the County of Southampton

Your complainant Mary Taylor, an infant  
under the age of twenty one years, by her next friend  
and guardian at law James D Bryant of said County  
humbly shews - that sometime in the year 1839 James  
Taylor of the County aforesaid, died leaving a will, in  
which he devised his whole estate both real and personal  
to be sold, at the discretion of his Executors, and after  
paying his just debts, the proceeds of sale to be equally  
divided between his children, Barton Taylor, Richard  
Taylor, John Taylor, William Taylor and Mary Taylor  
your complaint, all of which will appear by a copy of said  
will herewith filed and prayed to be taken as part of  
this bill (marked, A) - That at the December term of Court  
of the said County, Barton Taylor, who was left one of the  
executors in said will, duly qualified and gave the  
necessary bond required by the law, with John Buchanan,  
Arthur B Bryant, Henry Joyner and James Claude  
his securities, <sup>(marked B)</sup> Henry Bindred, the other executor left in  
the will, having refused to qualify) and in December  
1841, the said James D Bryant was appointed and qual-  
ified as guardian at law to your complaint, which will ap-  
pear from the proceedings of said County Court. and at  
the July term of said Court an order was made, taking  
the estate of said James Taylor from the hands of said  
Barton Taylor his Exor. and committing it to the hands  
of William S Everett, Sheriff of said County, as will ap-  
pear from a copy of said order herewith filed and prayed  
to be taken as part of this bill (marked C) - Your complaint  
further states that the said James Taylor died left a  
widow Mary Taylor, who has subsequently become Mary  
Booth, by intermarriage with certain George Booth

of said County, ~~statute~~ <sup>expressly</sup> unprovided for in his will, who submitted her rights together with the legatee under the will, by means of a friendly suit, to the County Court of said County sitting in Chancery, and by its decree pronounced in December 1839, certain commissioners to wit: J. C. H. Kent, H. Kindred, John Buchanan & George Williams, were appointed, with power for any three to act, to allot to said widow Mary Taylor who is now Mary Booth, one sixth part of the estate of said James Taylor, or its equivalent in value, after payment of debts, in lieu of her right of dower in said estate - all of which will appear by a copy of decree filed and prayed to be taken as part of this bill - Your complaint also states that the said Barton Taylor Exor, administered the whole of said estate of James Taylor, before the order of court, taking the estate from his hands and committing it to the sheriff, was made; and that he is now in arrears to the estate in the sum of \$2731-57, with interest on \$2670-55 part thereof from Decr-31<sup>st</sup> 1841 till paid as appears by an account reported by a commissioner of Court herewith filed (D) - Your complaint avers that frequent applications have been made to the said Barton Taylor Exor. for her portion of her fathers estate, by her 3d at law who is qualified to receive it, with which the said Taylor Exor. has invariably, and still fails to comply, contrary to all justice and equity - In tender consideration of all which your complainant prays that Barton Taylor as executor of James Taylor decd. and also in his own right, John Buchanan, Nathan B. Bryant, Henry Joyner and George Williams his securities, George Booth and his wife Mary Booth, who was formerly Taylor John Taylor, Richard Taylor and William Taylor and William S. Everett sheriff & committee of the estate of James Taylor decd. may be made defendants

to this bill, and that your complaint may be decreed that portion of her fathers estate said James Taylors estate to which she is entitled, and such other and general relief as she may be entitled to from the facts and equity of her case, and she will as in duty bound ever pray - &c -

Phidley Goodwyn. pr.

Taylor

2 } Exhib

Taylor & Co

Southampton County Court - December 16<sup>th</sup> 1849.

Martha Taylor widow and relict of James Taylor decd } Peff  
against- } In chancery  
Barton Taylor and Others } defts

This day this cause came on to be heard upon the bill answer and exhibits and was argued by Counsel whereupon the Court doth ad judge order and decree that Sampson & Reuse Henry Kindred John Barham and George Williams be appointed Commissioners any Three of whom may act authorized to set apart and allot to Mary Taylor widow of James Taylor decd one sixth part of the estate both real and personal or its equivalent in value after the payment of its just debts in lieu of her right of dower in the same and make report to this Court how they have executed the same.

Attest

Teste. L R Edwards Clk

6.1.16

Taylor

v. { Sp<sup>ts</sup> in Chy.

Taylor's Exr. vs

1843 February Rules

Excluded  
J. M. Howell & Co  
Wm L Everett & Co

THE COMMONWEALTH OF VIRGINIA,

To the Sheriff of Southampton County, Greeting:

We command you that you summon *Warton Taylor as executor of James Taylor. dec<sup>d</sup> and also in his own right, George North & his wife Mary William L Everett Shff. Hemmister of the estate of James Taylor. William Taylor. John Taylor. Richard Taylor. John Barham. Nathan D Bryant. Harry Joyner and George Williams* —

to appear at the Clerk's Office of our Circuit Superior Court of Law and Chancery for the County of Southampton, at the Rules to be holden for the said Court on the first Monday in *February* — next, to answer a Bill in Chancery exhibited against *them* in

the said Court by *Mary Taylor an infant suing by James D Bryant her next friend and guardian at law* —

And unless *They* shall answer the said Bill within <sup>*two*</sup> ~~four~~ months thereafter, the Court will take the same for confessed, and decree accordingly. And this *They* shall in no wise omit, under the penalty of £100. And have then there this writ. Witness, LITTLETON R. EDWARDS, Clerk of our said Court, at the Court-house, the *13<sup>th</sup>* day of *January* — 1843, in the *67<sup>th</sup>* year of the Commonwealth.

*L. R. Edwards Clk*

[One Copy to be delivered each Defendant.]

Warton Taylor Executor  
of James Taylor dec<sup>d</sup>  
Admin<sup>r</sup> Report

A. Copy

Taylor  
to } Exhibit with bill

Taylor's Exec. &c (D,

# The Estate of James Taylor dec<sup>d</sup>

In account with Barton Taylor Executor

|         |    |                                                              | Dry    | Cor     |
|---------|----|--------------------------------------------------------------|--------|---------|
| 1840    |    |                                                              |        |         |
| January | 10 | To my proved account retained                                | 200 00 |         |
|         |    | " paid L Waller acct                                         | 6 67   |         |
|         |    | " " B E Pope "                                               | 14 44  |         |
|         |    | " " A Kindred "                                              | 15 97  |         |
|         |    | " " B E Pope Clerk at Sale                                   | 4 00   |         |
|         |    | " " J A Williams on Order                                    | 3 00   |         |
|         |    | " " J Powell acct                                            | 6 00   |         |
|         |    | " " R Porter "                                               | 1 25   |         |
|         |    | " " B E Pope Bond & acct                                     | 41 07  |         |
|         |    | " " W J Locke Note                                           | 10 60  |         |
|         |    | " " Doct Barkham                                             | 97 50  |         |
|         |    | " " Taxes & tickets                                          | 4 27   |         |
|         |    | " " J Drury note                                             | 16 00  |         |
|         |    | By John Barkham bond & Int. in house                         | " "    | 560 00  |
|         |    | By Cash of B. Pope                                           | " "    | 126 00  |
|         |    | By poor rate claim                                           | " "    | 24 00   |
|         |    | By Escon against A Pope                                      | " "    | 66 50   |
|         |    | By hire of Will                                              | " "    | 40 00   |
| Oct     | 10 | By amt Sales due this day                                    | " "    | 2450 37 |
|         |    |                                                              |        | 3266 89 |
|         |    | To Com <sup>r</sup> . on \$ 3266.89                          | 163 34 | 584 11  |
| Decr    | 31 | By balance due the estate                                    | \$     | 2682 78 |
| 1841    |    | To paid G Williams acct                                      | 18 00  |         |
|         |    | " " B Edmunds bond                                           | 5 20   |         |
|         |    | " " S Pops Escon <sup>t</sup>                                | 155 79 |         |
|         |    | By hire of Will                                              | " "    | 40 00   |
|         |    | By 1/8 Sales Will due E B Williams account with the testator |        | 30 16   |
|         |    | To Com <sup>r</sup> . on \$ 70.16                            | 3 50   |         |
|         |    |                                                              |        | 2752 94 |
|         |    |                                                              |        | 182 49  |
| Decr    | 31 | By balance Carried forward                                   | \$     | 2570 55 |
| 1841    |    | By balance brought forward                                   | \$     | 2570 55 |
| Decr    |    | " Interest on the balance of 1840                            |        | 160 96  |
|         |    | By balance due the estate with interest on -                 |        | 2731 57 |
|         |    | \$ 2570.55 part thereof from this date till paid             |        |         |
|         |    | Com <sup>r</sup> ed \$ 6.00 charged to the Executor          |        |         |
|         |    | Respectfully Submitted                                       |        |         |
|         |    | Sam <sup>l</sup> Cobb Com <sup>r</sup>                       |        |         |

At a Court held for the County of Southampton on the 18<sup>th</sup> day of July 1842  
This account current of Barton Taylor's Executorial proceedings on James Taylor's estate  
was returned and ordered to lie on the table for exceptions. And at a Court held for the  
said County on the 15<sup>th</sup> day of August 1842 the said account having lain on the table and no exceptions  
being filed the same is confirmed and ordered to be Recorded.

Teste J.R. Edwards *clerk*  
A Copy Teste J.R. Edwards *clerk*

James Taylors  
Milo

Taylor

v. }

Taylor's Error of Est.

(A)

In the Name of God Amen I James Taylor  
being of sound mind and disposing memory do make and ordain  
this my last will and testament in the manner and form as  
followeth (V23) my wish and desire is that all of my Estate land  
negroes &c shall be sold at the discretion of my executors and out  
of the proceeds of such sales pay all my just debts and the  
remainder to be equally divided between all my children namely  
Barton John Richard William and Mary Taylor I do appoint my  
friend Henry Kindred and my son Barton Taylor executors to  
this my last will and testament I do hereby constitute and establish  
this my last will and testament - Revoking all other wills made  
heretofore by me In Witness whereof I have hereunto set my  
hand and affixed my seal this seventeenth day of July one thousand  
eight hundred and thirty eight

Signed sealed and  
acknowledged in

James Taylor

Presence of

George Williams

Martina Williams

Thomas B Beale

Charles E. C. Brittle

At a Court held for the County of Southampton on the 16<sup>th</sup> day  
of December 1839 this Last Will and Testament of James Taylor  
deceased was proved by the oath of George Williams and Charles E. C.  
Brittle two of the subscribing witnesses thereto and ordered to be  
recorded and on the motion of Barton Taylor one of the executors  
therein named who made oath and together with John Barham  
Nathan B Bryant Henry Joyner and James W. Cland his  
servants entered into and acknowledged a bond in the penalty  
of Fifteen thousand dollars conditioned as the law directs certificate.  
is granted him for obtaining a probat of said will in due form liberty  
being reserved for the other executor therein named to be joined in the  
said probat when he thinks fit -

Teste L. R. Edwards Clk

Attest - Teste L. R. Edwards Clk

Taylor's Err:

To } Bond

Justice

Taylor

~ }

Taylor's Err & ad

(B)

Know all men by these presents That we Barton Taylor John Barham  
Henry Joyner Nathan B Bryant & James W Bland are held and  
firmly bound unto James Clayton Alexander Mayrick James Naget  
& Glinning D. Smith gentlemen justices of the peace for the county  
of Southampton now sitting in the sum of Fifteen Thousand dollars  
to the payment whereof well and truly to be made unto the  
said justices and their successors we bind ourselves and each of us  
our and each of our heirs executors and administrators jointly and  
severally firmly by these presents sealed with our seals and dated  
this 16<sup>th</sup> day of december 1839 The condition of the above obligation  
is such that if the said Barton Taylor executor of James Taylor deceased  
do make a true and perfect inventory of all and singular the goods  
chattels and credits of the said deceased together with an inventory  
of the real estate which by the will may be subject to the authority  
of the executor & which have or shall come into the hands possession  
or knowledge of Barton Taylor the said administrator or into the hands  
or possession of any other person or persons for them and the same  
so made do exhibit to the County Court of Southampton at such  
time as he shall be thereto required by the said court and the same  
goods chattels and credits and real estate do well and truly administer  
according to law and make a just and true account of his actings  
and doings therein when thereunto required by the said Court  
and further do well and truly pay and deliver all the legacies  
contained and specified in said will as far as the said goods chattels  
and credits and real estate will extend according to the value  
thereof and as the law shall charge then this obligation to be  
void or else to remain in full force

signed sealed and delivered  
in open Court

Barton Taylor *Seal*  
John Barham *Seal*  
N. B. Bryant *Seal*  
Henry Joyner *Seal*  
James W Bland *Seal*

Copy. Just. J R Edwards. Secy